

REMARKS

Reconsideration of the present application is respectfully requested.

Summary of Office Action

Claims 10, 14 and 31-36 are pending. Claim 10 stands objected to due to a minor typographical error. Claims 10, 14 and 31-36 stand rejected under 35 U.S.C. § 103(a) based on U.S. Patent Publication No. 2002/0175938 of Hackworth ("Hackworth") in view of U.S. Patent No. 6,430,611 of Kita et al. ("Kita").

Summary of Examiner Interview

A telephonic interview was conducted between the Examiner and Applicants' representative (the undersigned) on December 13, 2007. A proposed amended claim 10 was discussed. During the discussion, Applicants' representative explained what limitations are thought to make the proposed claim patentable over the cited art. No particular agreement was reached, and the Examiner indicated that she would further consider Applicants' argument when a formal response is filed.

Summary of Amendments

Claims 10 and 34 have been amended. No new matter has been added. In particular, the typographical error in claim 10 has been corrected, and thus, the objection has been overcome.

Discussion of Rejections

Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a) based on Hackworth.

Claim 10, as amended, recites:

10. An apparatus comprising:

a storage server, coupled to a network, having a mass storage device;
a multi-appliance management application (MMA) coupled to the network to manage the storage server; and
an agent coupled to the storage server and the MMA via the network, the agent to scan the mass storage device to collect information about a file stored on the storage server, and to combine information collected into a summary of a directory in which the file is located, the summary being accessible to the MMA, wherein the agent, the MMA, and the storage server are *separate* devices, and wherein the agent uses a file system *different from* any file system that the storage server uses.

Hackworth does not teach or suggest, among other things, the limitation of claim 10, “**the agent** uses a file system *different from* any file system that **the storage server** uses.” Firstly, Hackworth does not teach a file system of the agent of claim 10, since that is a device which Hackworth does not disclose. Furthermore, the management station 140 of Hackworth, which the Examiner believes is comparable to the agent of claim 10, is using the same file system, *i.e.*, a Common Internet File System (CIFS), as the filers 110, 112, which are thought to be comparable to the storage server of claim 10, use. (See, for example, paragraphs [0032] and [0036] of Hackworth, cited in the Office Action)

In contrast, the agent of claim 10 uses a file system different from any file system that the storage server of claim 10 uses. As a result, the agent of claim 10 is able to see the contents of files and collect information about the contents of files, which are

“opaque” to the storage server. For example, when a storage server is maintaining files over a SAN network, the files may be seen to the storage server as “black boxes” of data, which means the storage server is blind to the contents of the files. In this situation, by using a different file system, which can make the agent of claim 10 see the contents of the files, the agent can collect information about the contents of the files. This “intelligent” operation of the agent cannot be obvious to a person having ordinary skill in the art from Hackworth.

In addition, Hackworth fails to teach or suggest the two separate devices of claim 10, *i.e.*, the agent and the MMA *distributed over one or more networks*. Management station 140 of Hackworth is a single device, as the Examiner admitted in the Office Action. Nevertheless, the Examiner alleged that “it is obvious to make the MMA and the agent two separate servers since it is desirable to increase the number of servers in order to decrease the load on each server.” (See lines 1-2 from the bottom of page 3 and lines 1-2 of page 4 of the Office Action) Applicants respectfully traverse this allegation.

Contrary to the Examiner’s rationale, the agent of claim 10 is not a duplicate of the MMA of claim 10 or an MMA known in the prior art; the agent of claim 10 is not a result of simply increasing the number of existing MMAs.

Because the limitations of claim 10, “an agent accessible to the storage server and the MMA, the agent to scan the mass storage device to collect information about a file stored on the storage server, … wherein the agent, the MMA, and the storage server are separate devices, and wherein the agent uses a file system different from any file system that the storage server uses” is not obvious from any combination of Hackworth

and/or Kita, the rejection under 35 U.S.C. § 103 based on Hackworth should be withdrawn for at least this reason.

Independent claim 34 contains substantially the same features as discussed above regarding claim 10. Therefore, all pending claims are thought to be allowable for at least the above-mentioned reasons.

Applicants have not necessarily discussed here every reason why every pending independent claim is patentable over the cited art; nonetheless, Applicants are not waiving any argument regarding any such reason or reasons. Applicants reserve the right to raise any such additional argument(s) during the future prosecution of this application, if Applicants deem it necessary or appropriate to do so.

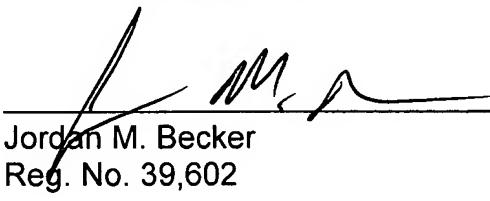
Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP


Jordan M. Becker
Reg. No. 39,602

Dated: December 17, 2007

Customer No. 08791
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
(408) 720-8300